

Appl. No. 10/698,871  
Atty. Docket No. 9084M  
Amdt. dated June 30, 2006  
Reply to Office Action of April 7, 2006  
Customer No. 27752

## REMARKS

### Claim Status

Claims 1-9 and 12-22 are pending in the present application. No additional claims fee is believed to be due.

Claim 10 is canceled without prejudice.

Claims 1, 16, 18, 19, 20 and 21 have been amended to recite a water insoluble perfume polymeric particle. Support for the amendment is found at page 22, lines 20-23 of the specification. Claims 1, 16, 18, 19, 20, and 21 have been amended to recite that the water insoluble perfume polymeric particle has an average particle size of from about 100 nm to about 39  $\mu\text{m}$ . Support for the amendment is found at page 21, lines 22-23.

### Rejection Under 35 USC §112, First Paragraph

The Office Action states that claims 1-22 are rejected under 35 U.S.C. §112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards, as the invention. Claim 10 has been canceled without prejudice. Therefore, the rejection under 35 U.S.C. §112 has been rendered moot.

### Rejection Under 35 USC § 103

The Office Action states that Claims 1-10 and 12-22 are rejected under 35 USC § 103(a) as being unpatentable over WO 99/09949. The Office Action states that the reference discloses rinse-off liquid personal cleansing compositions that comprise water, about 1-60% of water-soluble surfactant and a water insoluble oil. The Office Action states that polymeric cationic conditioning agents may be added. The Office Action states that suitable cationic polymers and combinations are explicitly taught in the reference. The Office action further notes that this reference teaches cationic polymers and the Applicants' have elected anionic polymers. The Office Action notes that the Applicants' polymers may contain cationic groups and may meet the Applicants' limitations of anionic polymers. The Office Action states that limitations of boiling point, molecular weight, clogP and Kovat's Index describe common perfume ingredients and the use would be obvious over the disclosure of perfume. The Office Action states that the prior art compositions will behave in the same fashion as the applicant's compositions, as they may contain the same ingredients. The Office Action further states

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that it would have been obvious at the time of the invention was made to make such a composition, because this reference teaches that all of the ingredients recited by the Applicants' are suitable for inclusion in a surfactant composition. Moreover, the Office Action states that the person of ordinary skill in the surfactant art would expect the recited compositions to have the properties similar to those compositions which are exemplified, absent a showing to the contrary.

WO 99/09949 does not teach or suggest all of limitations of Claims 1, 16, 18, 19, and 20; therefore, the reference does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Specifically, WO 99/09949 does not teach or suggest a water insoluble perfume polymeric particle having an average particle size of from about 100 nm to about 39  $\mu$ m, the water insoluble perfume particle that comprises an anionic polymer described in amended Claims 1, 16, 18, and 20. In fact, WO 99/09949 teaches cationic polymers. Moreover, WO 99/09949 also describes the use of water-soluble anionic thickening components. WO 99/09949 does not teach or suggest a water insoluble perfume polymeric particle having an average particle size of from about 100 nm to about 39  $\mu$ m. Therefore, WO 99/09949 does not teach or suggest, a water insoluble perfume polymeric particle described in Claims 1, 16, 18, 19 and 20, therefore, the claimed invention it is unobvious and that the rejection should be withdrawn.

This response represents an earnest effort to place the application in proper form. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-10 and 12-22 is respectfully requested.

Respectfully submitted,  
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